

JAMES R. WINTERS
Claimant

GNB BATTERY TECHNOLOGIES
Respondent

HOME INSURANCE COMPANY
Insurance Carrier

The decision of the Administrative Law Judge to have an independent medical examination performed on the claimant and to assess the costs of such examination to the

respondent is interlocutory in nature and made during the litigation of a workers compensation case before the Administrative Law Judge. This is not a final order that can be reviewed pursuant to K.S.A. 44-551, as amended by S.B. 59 (1995). Neither is this an order entered pursuant to the preliminary hearing statute, K.S.A. 44-534a, as preliminary hearing orders are limited to issues of furnishing medical treatment and payment of temporary total disability compensation. The Order now before the Appeals Board pertains to an interlocutory matter, ordering an independent medical examination, over which an Administrative Law Judge has authority to order during the litigation of a workers compensation case.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Application for Review filed by the respondent is dismissed as the Appeals Board lacks jurisdiction to review the Order of Administrative Law Judge Steven J. Howard ordering an independent medical examination and assessing costs of the same to the respondent.

IT IS SO ORDERED.

Dated this ____ day of September 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: James E. Martin, Overland Park, KS
John David Jurcyk, Lenexa, KS
Steven J. Howard, Administrative Law Judge
Philip S. Harness, Director